

**CITY OF MILPITAS PLANNING COMMISSION  
AGENDA FOR JANUARY 14, 2009  
CITY HALL COUNCIL CHAMBERS 7:00 P.M.  
455 E. CALAVERAS BLVD., MILPITAS, CA 95035  
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. PUBLIC FORUM**

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Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

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- IV. APPROVAL OF MINUTES:** December 10, 2008
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR (Items with an asterisk \*)**

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The consent calendar items are considered to be routine and will be considered with one public hearing and adopted by one motion. There will be no separate discussion of these items unless a member of the Planning Commission, member of the audience, or staff requests the Planning Commission to have an item removed from or added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

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**IX. PUBLIC HEARING**

- \* **1. MINOR TENTATIVE MAP NO. MI2007-1:** A request for a two-lot subdivision on an existing 3.1 acre parcel for a commercial center located at 100 N. Milpitas Blvd. (APN: 028-12-021), zoned Town Center with Site and Architectural Overlay (TC-S). Applicant: Shapell Homes. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2482. *Recommendation: Adopt Resolution No. 09-004 approving the project subject to conditions of approval.*
- \* **2. MAJOR TENTATIVE MAP NO. MT08-0002, CONDITIONAL USE PERMIT NO. UP08-0046, DEVELOPMENT AGREEMENT, OWNER PARTICIPATION AGREEMENT, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0005:** A request to subdivide a 24 acre site into nine (9) parcels for condominium purposes, establish building setbacks, improve existing roads, construction of a new local street, and create an urban plaza and public trail along Penitencia Creek. The project contemplates the future development of 1,573 dwelling units through a 10% density bonus for affordable housing over the entire project and an additional 25% transit density bonus on the properties zoned MXD2. Commercial space totaling 92,757 square feet is also contemplated on three (3) parcels within mixed use buildings. The project also includes a Development Agreement and an Owner Participation Agreement requesting financial assistance from the Redevelopment Agency. The project is located at the intersection of Great Mall Parkway and McCandless Drive (1315

McCandless Drive) (APNs: 086-33-092, 086-33-093, 086-33-094, 086-33-095, 086-33-098, 086-33-099, and 086-33-101), zoned a combination of Residential – Retail High Density Mixed Use and High Density Transit Oriented Residential with Site and Architectural Overlay (MXD2-S and R3-S). Applicant: Integral. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 3222. *This item was continued from the December 10, 2008 meeting at which the public hearing was opened. Recommendation: Continue the public hearing to the January 28, 2009 Planning Commission meeting.*

- \* 3. **MAJOR TENTATIVE MAP NO. MT08-0001, SITE DEVELOPMENT PERMIT NO. SZ07-0002, CONDITIONAL USE PERMIT NO. UP08-0045, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0004:** A request to develop an existing office campus by maintaining the existing buildings and parking lot and adding 424,814 square feet of office space in six, five story buildings and constructing an elevated parking deck. When built out, the total square footage of the campus would be 1,415,814 square feet. Because of potential environmental impacts stemming from the project, the project is subject to an Environmental Impact Report. The project is located at 205 N. McCarthy Ranch Boulevard (APNs: 022-56-005 through 009), zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Equity Office. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 3223. *This item was continued from the December 10, 2008 meeting at which the public hearing was opened. Recommendation: Close the public hearing and table the item, staff will re-notice the public hearing to acknowledge a request to amend the underlining development agreement.*
- 4. **SITE DEVELOPMENT PERMIT NO. SD08-004 AND CONDITIONAL USE PERMIT NO. UP08-0023:** A request to demolish an existing 1,490 square foot veterinary office and 1,210 square foot care taker's residence, existing site improvements, and the removal of seven non-protected trees to accommodate the construction and operations of a new 5,002 square foot child care center and related site improvement located at 1312 S. Main Street (APN: 086-23-006), zoned Multi-Family Residential, Very High Density with Transit Oriented Development Overlay and Site and Architectural Overlay (R4-TOD-S). Applicant: Sal Caruso. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2537. *Recommendation: Adopt Resolution No. 09-002 approving the project subject to conditions of approval.*
- 5. **CONDITIONAL USE PERMIT NO. UP08-0036:** A request to locate a new 2,900 square foot religious facility within an R&D building in the Venture Commerce Center Business Park located at 1160 Cadillac Court. (APN: 022-38-025), zoned Industrial Park with Site and Architectural overlay (MP-S). Applicant: SVCC Temple. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2552. *(Recommendation: Close the public hearing and table the item, staff will re-notice the public hearing.)*

## **X. NEW BUSINESS**

- 6. **AMENDMENTS TO THE TERRA SERENA AGREEMENTS:** A request to amend the Disposition and Development Agreement, Memorandum of Understanding, and Regulatory Agreement affecting affordable housing and off-site improvements. Applicant: City of Milpitas & KB Home South Bay Inc. Staff Contact: Felix Reliford (408) 586-3071. *(Recommendation: Adopt Resolution No. 09-005 recommending approval to the City Council/Redevelopment Agency.)*
- \* 7. **SITE DEVELOPMENT PERMIT ADMENDMENT NO. SA09-0001:** A request to amend Conditions of Approval No. 7, 42, 43, 44, and 45 to provide consistency with the Owner's Participation Agreement dated April 17, 2007, located at 1666 South Main Street. (APN: 086-22-023), zoned Multi-Family Very High Density/Multi-Family Very High Density (R4). Applicant: Global Premier. Staff Contact: Cindy Hom (408) 586-3284. PJ # 3199. *Recommendation: Adopt Resolution No. 09-005 approving the project subject to conditions of approval.*

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Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

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## **XI. ADJOURNMENT**

***THE NEXT PLANNING COMMISSION MEETING IS January 28, 2009***

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The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

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### **MILPITAS PLANNING COMMISSION SUBCOMMITTEE**

The Planning Commission Subcommittee consists of two members (currently Gurdev Sandhu-regular member, Larry Ciardella-regular member, Alex Galang - alternate member) of the Planning Commission, who have approval authority for Minor Site Development Permits and other minor project reviews not involving public hearings. **This project review will be held at 6:30 P.M. in the City of Milpitas Committee Conference Room, First Floor, 455 E. Calaveras Boulevard.**

- a. MINOR SITE DEVELOPMENT NO. MS08-0029 STUART RENTAL COMPANY EVENTS:** A request to have 4 quarterly outdoor events all starting at 3:00 p.m. and ending at 6:00 p.m., located within the Linear Technology parking lot at 790 Sycamore Avenue. (APN: 086-03-022), zoned Industrial Park with 'S' Zone overlay district (MP-S). Applicant: Stuart Rental Company with Linear Technology. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Approve Minor Site Development No. MS08-0029 subject to the conditions of approval.)*

### **KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department at Milpitas City Hall, 455 East Calaveras Boulevard, Milpitas, CA 95035 during normal business hours. **FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE** at the City Attorney's office at the Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035.

E-mail: [mogaz@ci.milpitas.ca.gov](mailto:mogaz@ci.milpitas.ca.gov)

Fax: (408) 586-3030

Phone: (408) 586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) Select Open Government Ordinance under News Features